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Exhibit A to Declaration of  
Jason "Jay" Smith  
No. 3:19-CV-05181

ALLIANCE DEFENDING FREEDOM  
15100 N. 90th Street  
Scottsdale, Arizona 85260  
(480) 444-0020

**To:** Jami Hansen <[Jami\\_Hansen@AJG.com](mailto:Jami_Hansen@AJG.com)>; Melinda Hansen <[Melinda\\_Hansen@AJG.com](mailto:Melinda_Hansen@AJG.com)>  
**Subject:** RE: Kaiser

[EXTERNAL]

Hi Jami,

KP response in green.

I understand that the final implementation rules for SSB 6219 have not yet been released. If an exception is made for churches or houses of worship such as Cedar Park to allow exclusion of abortions, will Cedar Park be able to exclude that coverage immediately during the Sept 1, 2019 to Aug 31, 2020 Plan Year? Or will we need to wait until renewal on Sept 1, 2020?  
Thanks. Steve. Due to how KP has to file with the WA OIC for fully insured groups we cannot retro exclude covered back to 9/1/2019 (ex. If a member received services, they would be denied with the retro change and the member would pay in full for the cost) HOWEVER, we can support a mid-year change.

### Nicole Nieswand (Gomez)

Account Manager II, Large Group Sales

### Kaiser Foundation Health Plan of Washington

601 Union Street, Suite 3100

Seattle, WA 98101

**Office:** 206-448-2845

**Cell:** 206-218-6395

**Email:** [Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)

**From:** Steve Orcutt <[steve.o@cedarpark.org](mailto:steve.o@cedarpark.org)>  
**Date:** August 14, 2019 at 1:21:56 PM PDT  
**To:** Jami Hansen <[Jami\\_Hansen@ajg.com](mailto:Jami_Hansen@ajg.com)>  
**Cc:** Melinda Hansen <[Melinda\\_Hansen@ajg.com](mailto:Melinda_Hansen@ajg.com)>, "melissa.k@cedarpark.org"  
<[melissa.k@cedarpark.org](mailto:melissa.k@cedarpark.org)>  
**Subject: Re: Kaiser**

[EXTERNAL]

I understand that the final implementation rules for SSB 6219 have not yet been released. If an exception is made for churches or houses of worship such as Cedar Park to allow exclusion of abortions, will Cedar Park be able to exclude that coverage immediately during the Sept 1, 2019 to Aug 31, 2020 Plan Year? Or will we need to wait until renewal on Sept 1, 2020? Thanks. Steve.

On Wed, Aug 14, 2019 at 1:00 PM Jami Hansen <[Jami\\_Hansen@ajg.com](mailto:Jami_Hansen@ajg.com)> wrote:

We just received an update from Kaiser:

### **Contraceptives**

Currently while we do cover contraceptives outside the contracts for Moral Objectors, that is required by law (Nationally). That waiver provision is currently being challenged in the courts.

### **Abortion Exclusion for Fully Insured Groups:**

KP will not be accommodating any abortion exclusions for fully insured groups. Upon review of SSB 6219, fully insured health plans issued after 1/1/2019 that cover maternity care or services must cover substantially equivalent coverage for abortion.

### **Self-Funded**

KP leadership has provided exception for the following: any religious groups

opposing the abortion exclusion may go self-funded (even if they did not previously meet size requirements). Self-funded groups may carve out abortion.

Let me know if you have any questions.

Jami Hansen  
Area Vice President  
Arthur J Gallagher  
425-891-1325

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Update:

### **Contraceptives**

Currently while we do cover contraceptives outside the contracts for Moral Objectors, that is required by law (Nationally). That waiver provision is currently being challenged in the courts.

### **Abortion Exclusion for Fully Insured Groups:**

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### **Self-Funded**

KP leadership has provided exception for the following: any religious groups opposing the abortion exclusion may go self-funded (even if they did not previously meet size requirements). Self-funded groups may carve out abortion.

We realize that Cedar Park may not want to go self-funded, if that is the case we do understand they may choose to switch carriers to accommodate for their abortion request, as KP cannot accommodate the abortion exclusion on fully insured groups.

Please let me know what the group prefers to do.

### **Nicole Nieswand (Gomez)**

Account Manager II, Large Group Sales

### **Kaiser Foundation Health Plan of Washington**

601 Union Street, Suite 3100

Seattle, WA 98101

**Office:** 206-448-2845

**Cell** 206-218-6395

**Email** [Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)



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---

**From:** Nicole M. Gomez  
**Sent:** Wednesday, August 14, 2019 11:43 AM  
**To:** Jami Hansen <Jami\_Hansen@AJG.com>  
**Cc:** Melinda Hansen <Melinda\_Hansen@AJG.com>; Keva K. Peairs <Keva.K.Peairs@kp.org>  
**Subject:** RE: Cedar Park

Good morning,

Following up as I have just just been notified via leadership.

**Abortion Exclusion for Fully Insured Groups:**

KP will not be accommodating any abortion exclusions for fully insured groups. Upon review of SSB 6219, fully insured health plans issued after 1/1/2019 that cover maternity care or services must cover substantially equivalent coverage for abortion.

**Self-Funded**

KP leadership has provided exception for the following: any religious groups opposing the abortion exclusion may go self-funded (even if they did not previously meet size requirements). Self-funded groups may carve out abortion.

We realize that Cedar Park may not want to go self-funded, if that is the case we do understand they may choose to switch carriers to accommodate for their abortion request, as KP cannot accommodate the abortion exclusion on fully insured groups.

Please let me know what the group prefers to do.

**Nicole Nieswand (Gomez)**

Account Manager II, Large Group Sales

**Kaiser Foundation Health Plan of Washington**

601 Union Street, Suite 3100

Seattle, WA 98101

**Office:** 206-448-2845

**Cell** 206-218-6395

**Email** [Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)



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**From:** Jami Hansen <[Jami.Hansen@AJG.com](mailto:Jami.Hansen@AJG.com)>  
**Sent:** Wednesday, August 14, 2019 8:14 AM  
**To:** Nicole M. Gomez <[Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)>  
**Cc:** Melinda Hansen <[Melinda.Hansen@AJG.com](mailto:Melinda.Hansen@AJG.com)>; Keva K. Peairs <[Keva.K.Peairs@kp.org](mailto:Keva.K.Peairs@kp.org)>  
**Subject:** Re: Cedar Park

Not really since I'm on vacation. Melinda can coordinate if that's best. Have you previously sent the information below? I just want to make sure when we tell the group and they aren't happy.

Jami Hansen

Area Vice President

Arthur J Gallagher

425-891-1325

On Aug 14, 2019, at 8:10 AM, Nicole M. Gomez <[Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)> wrote:

[EXTERNAL]

Hi Jami,

What would be helpful? Would you prefer to hop on a call? There are two separate "issues" the abortion exclusion request and the contraceptive carve out request.

**Contraceptive carve out:**

- KP does not have the **system capability** at this time to carve out only specific contraceptives (copper IUD/plan B etc.). KP is however able (upon Cedar Park's request) to carve out the cost of all contraceptive services from Cedar Park's plan such that KP will separately pay the cost of such contraceptives.
- **The group may formally request in writing that KP separately pay for the cost of all contraceptives that may be accessed by enrollees of the Cedar Park plan.**
- KP would cover and pay for contraceptives for member's wishing to utilize these services.
- Cedar Park would NOT pay for these services via their premiums, **KP would cover the cost of contraceptives.**

**Abortion Exclusion:**

The current exclusion cannot continue as is. This is a state mandated change- which we are still interpreting. KP was stating that we could not provide more updates regarding abortion exclusions and whether or not we could find a solution to requested exclusion at this time. I.E. groups renewing at this point in time will renew without the abortion exclusion until we hear otherwise. KP is working hard to understand what we can and cannot do for fully insured groups. As of now we don't have an update on exclusion, therefore if the group renews they would be renew WITH an abortion benefit.

It seems like we might want to wait to renew the group until the group responds that they acknowledge the above. I am including Keva on this FYI.

**Nicole Nieswand (Gomez)**

Account Manager II, Large Group Sales

**Kaiser Foundation Health Plan of Washington**

601 Union Street, Suite 3100

Seattle, WA 98101

**Office:** 206-448-2845

**Cell** 206-218-6395

**Email** [Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)

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---

**From:** Jami Hansen <[Jami.Hansen@AJG.com](mailto:Jami.Hansen@AJG.com)>  
**Sent:** Wednesday, August 14, 2019 7:58 AM  
**To:** Melinda Hansen <[Melinda.Hansen@AJG.com](mailto:Melinda.Hansen@AJG.com)>  
**Cc:** Nicole M. Gomez <[Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)>  
**Subject:** Re: Cedar Park

Nicole,

Can you advise.

Jami Hansen

Area Vice President

Arthur J Gallagher

425-891-1325

On Aug 14, 2019, at 7:32 AM, Melinda Hansen <[Melinda.Hansen@ajg.com](mailto:Melinda.Hansen@ajg.com)> wrote:

Hi Jami,

Melissa understood the below that abortions would be covered as of 9/1/19-based on the email you had sent over previously. Steve thought their benefits would carrier over as they are today, with the riders etc. I believe you have let him know that as of 9/1/19 that abortions would be covered-and that once KP had additional information about the new laws this could be revisited. There was quite a bit of back and forth so it may have caused confusion.

<image009.png>

Direct 425.974.4459 | fax: 425.201.2730

[melinda\\_hansen@aig.com](mailto:melinda_hansen@aig.com)

[www.aig.com](http://www.aig.com)

777 – 108<sup>th</sup> Ave NE, Suite 200, Bellevue, WA 98004

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---

**From:** Nicole M. Gomez <[Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)>  
**Sent:** Tuesday, August 13, 2019 5:04 PM  
**To:** Melinda Hansen <[Melinda\\_Hansen@AJG.com](mailto:Melinda_Hansen@AJG.com)>  
**Cc:** Jami Hansen <[Jami\\_Hansen@AJG.com](mailto:Jami_Hansen@AJG.com)>  
**Subject:** RE: Cedar Park

[EXTERNAL]

Hi Melinda,

Please see my answer below in red.

So, the group (not Melissa), thought their rider and current exclusions would continue until Kaiser had more information about the new laws. So the rider and one prescription for excluding abortion would no longer be in effect as of 9/1/19. The below supersedes how abortion and RX is currently covered. Is this correct? The current exclusion cannot continue as is. This is a state mandated change- which we are still interpreting. KP was stating that they could not provide more updates regarding abortion exclusions and whether or not we could find a solution to requested exclusion at this time. KP is working hard to understand what we can and cannot do for fully insured groups. As of now we don't have an update on exclusion, therefore if the group renews they would be renew WITH an abortion benefit.

It seems like we might want to wait to renew the group until the group responds that they acknowledge the above.

Thanks!

**Nicole Nieswand (Gomez)**

Account Manager II, Large Group Sales

**Kaiser Foundation Health Plan of Washington**

601 Union Street, Suite 3100

Seattle, WA 98101

**Office:** 206-448-2845

**Cell** 206-218-6395

**Email** [Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)

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---

**From:** Melinda Hansen <[Melinda.Hansen@AJG.com](mailto:Melinda.Hansen@AJG.com)>  
**Sent:** Tuesday, August 13, 2019 4:04 PM  
**To:** Nicole M. Gomez <[Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)>  
**Cc:** Jami Hansen <[Jami.Hansen@AJG.com](mailto:Jami.Hansen@AJG.com)>  
**Subject:** RE: Cedar Park  
**Importance:** High

Hi Nicole,

So, the group (not Melissa), thought their rider and current exclusions would continue until Kaiser had more information about the new laws. So the rider and one prescription for excluding abortion would no longer be in effect as of 9/1/19. The below supersedes how abortion and RX is currently covered. Is this correct?

Jami- if the above is correct, Melissa and Steve need an email asap confirming. Melissa, thought it would be best coming from you, even though I said you were on vacay.

Thanks,

**Melinda Hansen** Client Manager

Health & Welfare Consulting

<image014 png>

Direct 425.974.4459 | fax: 425.201.2730

[melinda\\_hansen@ajq.com](mailto:melinda_hansen@ajq.com)

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777 – 108<sup>th</sup> Ave NE, Suite 200, Bellevue, WA 98004

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**From:** Nicole M. Gomez <[Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)>  
**Sent:** Tuesday, August 13, 2019 2:59 PM  
**To:** Melinda Hansen <[Melinda.Hansen@AJG.com](mailto:Melinda.Hansen@AJG.com)>  
**Subject:** RE: Cedar Park

[EXTERNAL]

Hi Melinda,

There are no forms. I consulted with legal and this is what they requested. See below in red.

Thanks!

Contraceptive carve out:

- KP does not have the **system capability** at this time to carve out only specific contraceptives (copper IUD/plan B etc.). KP is however able (upon Cedar Park's request) to carve out the cost of all contraceptive services from Cedar Park's plan such that KP will separately pay the cost of such contraceptives.
- **The group may formally request in writing that KP separately pay for the cost of all contraceptives that may be accessed by enrollees of the Cedar Park plan.**
- KP would cover and pay for contraceptives for member's wishing to utilize these services.
- Cedar Park would NOT pay for these services via their premiums, KP would cover the cost of contraceptives.

### Nicole Nieswand (Gomez)

Account Manager II, Large Group Sales

### Kaiser Foundation Health Plan of Washington

601 Union Street, Suite 3100

Seattle, WA 98101

**Office:** 206-448-2845

**Cell** 206-218-6395

**Email** [Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)

<image013.jpg>

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**From:** Melinda Hansen <[Melinda.Hansen@AJG.com](mailto:Melinda.Hansen@AJG.com)>  
**Sent:** Tuesday, August 13, 2019 2:57 PM  
**To:** Nicole M. Gomez <[Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)>  
**Subject:** RE: Cedar Park

Ok, I have talked and sent an email to the group on the below for confirmation!  
Question for you, do they need to complete the religious exemption forms back to you? Is one due at a certain time?

Thanks!

Melinda Hansen Client Manager

Health & Welfare Consulting

<image016.png>

Direct 425.974.4459 | fax: 425.201.2730

[melinda\\_hansen@ajq.com](mailto:melinda_hansen@ajq.com)

[www.ajq.com](http://www.ajq.com)

777 – 108<sup>th</sup> Ave NE, Suite 200, Bellevue, WA 98004

<image010.jpg> <image017.png>

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**From:** Nicole M. Gomez <[Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)>  
**Sent:** Tuesday, August 13, 2019 2:00 PM  
**To:** Melinda Hansen <[Melinda\\_Hansen@AJG.com](mailto:Melinda_Hansen@AJG.com)>  
**Subject:** RE: Cedar Park

[EXTERNAL]

Hi Melinda,

I think it's best we hold off on sending the renewal paperwork for now as it appears the group is wanting to exclude certain benefits.

There were a ton of back and forth emails, but on my latest email from 8.6 I stated how KP would prefer the group tell us of their preference. Attached and below. We would need this information prior to generating the renewal paperwork. The contraceptive piece would require a rider built in to remove the cost from the group and pass the cost to KP. Has the information below been shared with the group?

Contraceptive carve out:

- KP does not have the **system capability** at this time to carve out only specific contraceptives (copper IUD/plan B etc.). KP is however able (upon Cedar Park's request) to carve out the cost of all contraceptive services from Cedar Park's plan such that KP will separately pay the cost of such contraceptives.
- **The group may formally request in writing that KP separately pay for the cost of all contraceptives that may be accessed by enrollees of the Cedar Park plan.**
- KP would cover and pay for contraceptives for member's wishing to utilize these services.
- Cedar Park would NOT pay for these services via their premiums, KP would cover the cost of contraceptives.

Exclude Abortion:

- KP cannot provide an update at this time.
- Please note that KP is currently drafting a group-facing document on this topic, which we hope to share shortly.

### **Nicole Nieswand (Gomez)**

Account Manager II, Large Group Sales

#### **Kaiser Foundation Health Plan of Washington**

601 Union Street, Suite 3100

Seattle, WA 98101

**Office:** 206-448-2845

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**From:** Melinda Hansen <[Melinda.Hansen@AJG.com](mailto:Melinda.Hansen@AJG.com)>

**Sent:** Tuesday, August 13, 2019 1:54 PM

**To:** Nicole M. Gomez <[Nicole.M1.Gomez@kp.org](mailto:Nicole.M1.Gomez@kp.org)>

**Subject:** RE: Cedar Park

Hi Nicole,